

**ENTERED**

December 03, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PERCY MACIAS, ISIDORO PENA, and  
ALMA LOPEZ; on behalf of themselves  
and others similarly situated

Plaintiffs,

V.

CATAPULT PAINTING, LLC; FR  
COMMERCIAL, LLC; BBP INDUSTRIES,  
LLC; SAMBECCA MANAGEMENT  
GROUP, LLC; MITCHELL ZIVIN; and  
WENDY ZIVIN

Defendants.

ss: ss: ss: ss: ss: ss: ss: ss: ss: ss:

CIVIL ACTION NO. 4:19-CV-04856

## AMENDED SCHEDULING AND DOCKET CONTROL ORDER

On this day came to be heard the Defendant's Unopposed Motion to Amend Scheduling Order (Dkt. No. 101) and the Court, having considered the same and arguments of Counsel, is of the opinion that the Motion should be, in all things, GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the deadlines to conduct mediation and complete discovery are as follows:

The disposition of this case will be controlled by the following schedule:

- |    |                  |  |
|----|------------------|--|
| 1. | November 1, 2024 | <b>STERLING MODEL DISCOVERY PRODUCED BY PLAINTIFFS</b>   |
| 2. | N/A              | <b>MOTIONS TO ADD NEW PARTIES</b><br>No new parties are needed.  |
| 3. | N/A              | <b>MOTIONS FOR LEAVE TO AMEND PLEADINGS</b><br>Parties filing motions for leave to amend after this deadline must show good cause. |

4. N/A **EXPERTS ON MATTERS OTHER THAN ATTORNEY'S FEES**  
No experts are anticipated.
5. December 6, 2024 **MEDIATION**  
Mediation or other form of dispute resolution must be completed by this deadline.
6. December 19, 2024 **COMPLETION OF DISCOVERY**  
Written discovery requests are not timely if they are filed so close to this deadline that under the Federal Rules of Civil Procedure the response would not be due until after the deadline.
7. January 6, 2025 **PRETRIAL DISPOSITIVE MOTIONS DEADLINE**  
No motion may be filed after this deadline except for good cause.
8. February 14, 2025 **JOINT PRETRIAL ORDER AND MOTION IN LIMINE DEADLINE**  
The Joint Pretrial Order will contain the pretrial disclosures required by Rule 26(a)(3) of the Federal Rules of Civil Procedure. Plaintiff is responsible for timely filing the complete Joint Pretrial Order. Failure to file a Joint Pretrial Order timely may lead to dismissal or other sanction in accordance with the applicable rules.
9. February 21, 2025 **DOCKET CALL**  
Docket Call will be held at 2:00 p.m. in Courtroom 11-B, United States Courthouse, 515 Rusk, Houston, Texas. No documents filed within 7 days of the Docket Call will be considered. Pending motions may be ruled on at docket call, and the case will be set for trial as close to the docket call as practicable.

Any party wishing to make any discovery motions should arrange for a pre-motion conference with the court before the preparation and submission of any motion papers. That includes a motion to compel, to quash, or for protection. Email Ms. Glenda Hassan at [Glenda.Hassan@txs.uscourts.gov](mailto:Glenda.Hassan@txs.uscourts.gov) or fax her at 713-250-5213 to arrange for a pre-motion conference. Notify your adversary of the date and time for the conference.

The parties agree to submit attorney's fees issues to the court by affidavit after liability

and damages are resolved.

SIGNED on December 3, 2024, at Houston, Texas.

A handwritten signature in blue ink, appearing to read "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal  
United States District Judge